IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (PIL) (LODGING) NO. 7 OF 2006

Dilip Vrajlal Shah ..Petitioner

Versus

State of Maharashtra and Ors. ... Respondents.

Mr. Rajiv Narula with Mr. D. Mehta, instructed by M/s. Jhangiani, Narula & Associates, for the petitioner.

Mr. R.M. Sawant, Government Pleader, with Mr.Amjad Sayyed, Assistant Government Pleader, for respondent Nos. 1 to 3.

Mr. P.N. Modi with Ms. Bindi Dave and Mr. Kunal Vajani, instructed by M/s.Wadia Ghandy & Co., for respondent Nos. 4 and 5.

CORAM: **V.G. PALSHIKAR, Ag. C.J.,** & **SMT. NISHITA MHATRE, J.**

DATE: JANUARY **12, 2006**.

P.C.

By this petition, the petitioner has challenged the Notification issued by the Bombay Police under Section 33 (b) of the Bombay Police Act, 1951, making travel restrictions on certain roads so that the Standard Chartered Mumbai Marathon-2006 takes place smoothly and to the satisfaction of all.

2. The objection is that this would result in temporary

suspension of the fundamental right of the petitioner and may, in a given situation, cause serious harm to the residents along the road.

3. When this petition was filed, the Press Note, now shown to us, was not in existence. The Press Note is dated 9th January, 2006, in which detailed instructions regarding partial closure of roads along the route of the Marathon are stated. Now, alternate routes available are described on which roads there shall be total, regular traffic ban, roads where the ban is partial are also mentioned and full instructions have been given to the motorists who would like to use these routes during the Marathon is on. The Police have specifically made a note on this programme which reads thus:

> "In the event of any emergency/urgency to any of the residence the provision has been made to reach the closest junction by using earmarked lane and from there onwards on diverted roads"

The note further says that the Police Officers and men on "bandobast" have been sensitised about the arrangement.

4. In this view of the matter, in our opinion, the infringement of the right under Article 19 is not so serious or unreasonable as to cross

the limits mentioned in Article 19 (2) of the Constitution. In such circumstances, no interference is called for. The Petition is rejected.